

REMARKS

I. Introduction

In response to the Office Action dated November 16, 2004, claims 1, 9, 17, 25, 33, 41, and 49 have been amended, and claims 8, 16, 24, 32, 40, and 48 have been canceled. Claims 1-7, 9-15, 17-23, 25-31, 33-39, 41--47 and 49 remain in the application. Re-examination and re-consideration of the application, as amended, is requested.

II. Claim Amendments

Applicants' attorney has made amendments to the claims as indicated above for purposes of expediting prosecution of the application and with the intention of pursuing further claim scope in continuing and related applications.

III. The Cited References and the Subject Invention

A. The Eyer Reference

U.S. Patent No. 6,401,242, issued June 4, 2002 to Eyer et al. discloses a method and apparatus for designating a preferred source to avoid duplicative programming services. Interactive Program Guide (IPG) data for television is delivered to integrated receiver-decoders (IRDs) in a decoder population via, for example, a satellite network. The IPG data provides scheduling information for global and local programming services which are carried via the satellite network as well as another network such as a CATV network or a terrestrial broadcast network. Each IRD is assigned to an IPG region using unit addressing. At the IRD, IPG data is filtered so that only the global data and the region-specific data for the IRD's IPG region is retained and processed by the IRD. Channel map data is also delivered to the IRDs so that bundles of IRD data can be filtered out using firmware filtering to discard program sources that are not present in the channel map. The IRD data which is retained after filtering is used to provide scheduling information via an on-screen display. A preferred source may be designated when there are duplicative channels on the different networks.

IV. Office Action Prior Art Rejections

In paragraphs (1)-(2), the Office Action rejected claims 1-49 under 35 U.S.C. § 102(e) as anticipated over Eyer et al., U.S. Patent No. 6,401,242 (Eyer). Applicants respectfully traverse these rejections for the reasons described below.

With Respect to Claim 1: Claim 1 has been amended to recite features of claim 8. According to the Office Action, Eyer discloses:

...where the Local-IPG data includes station names or IDs, such as, ABC, NBC, CBS, CNN, Disney channel, etc., (fig. 2, col. 5, lines 60-67, col. 7, lines 36-45, and col. 9, lines 35-39) "data identifying the service network" transmitting the Local-IPG data and the Global-IPG data and the Local-IPG data is merged according to a comparison between the data and the IRD configuration value such as an address, identification number, geographical location, etc. associated with the IRD (col. 8, lines 57-67 and col. 10, lines 10-38).

However, the station names or IDs referred to (ABC, NBC, CBS, etc.) do not identify the service network transmitting the second program guide information. Instead, they are *source* identifiers that indicate origin of the source material. Referring to the referenced portions of the Eyer reference:

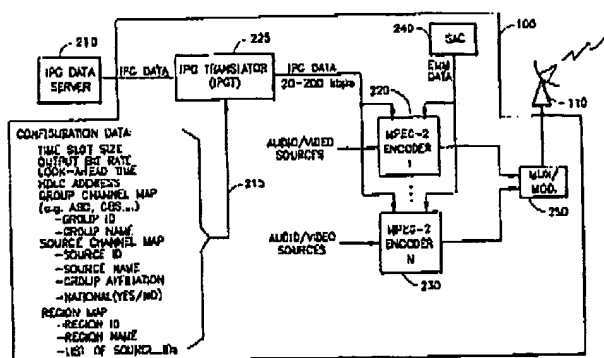


FIG.2

FIG. 2 simply refers to a "source" identifier and name. The source identifier, however, does not identify the service network transmitting the second program guide information as claim 1 recites, but rather, identifies the source of the underlying program material. This is made clear in the Eyer reference as follows:

In a second type of filtering, at each decoder, the IPG data may be filtered according to channel map data to enable each decoder to recover IPG data corresponding to channels accessible to that decoder while ignoring IPG data corresponding to channels not accessible to that decoder. Channel map data provides a correspondence between the programming services and a channel identifier which is displayed to the user, such as a channel number, "source identifier" which identifies the programming service provider and/or station identifier (e.g., ABC, NBC). The channel map data may be in the form of a lookup table which associates carrier frequencies of the programming services with the corresponding identifier. For digital services, the channel map also indicates which programming service within the digital multiplex is to be associated with that channel. For example, an IRD may filter IPG data for a global programming service which is not transmitted or otherwise not available to the IRD, for example, due to operator preference or limited channel capacity in the cable network. (col. 4, lines 38-56)

The Office Action also argues that the following discloses features of claim 8 (now presented in claim 1):

The IPG data provides program title, program description, and scheduling information for global (e.g., non-region-specific) programming, such as network programs (e.g., ABC, NBC, CBS, FOX) and other global satellite offerings (e.g., The Disney Channel, Nickelodeon, etc.) as well as scheduling information for region-specific programming, such as local news programs by independent stations or local network affiliates, and local access programs. (col. 5, lines 60-67)

The Applicants respectfully disagree ... the foregoing passage does not teach second program guide information identifying the service network transmitting the second program guide information.

The Office Action further argues that the following discloses features of claim 8 (now presented in claim 1):

For example, a "preferred source" data bit which is delivered to the IRDs can indicate which cable channels are preferred sources with a "1", while non-preferred cable channels are designated with a "0". Thus, if the duplicative channel "CNN" is received via both the satellite network and the CATV network, and the CATV channel is designated as a preferred source, the CATV channel will be displayed when selected by the user in lieu of the satellite channel. The "CNN" service carried on satellite will not be accessible by the user, even though it is available to the IRD's tuner/demodulator. (col. 7, lines 36-45)

The Applicants again respectfully disagree. The foregoing describes how the Eyer system handles duplication of channels ... it does not disclose second program guide information identifying the service network transmitting the second program guide information.

Finally, the Office Action relies on the following passage:

Specifically, the channel map provides a table which correlates three items, namely a user channel number (e.g., channel 10 for ABC), a physical location the received data stream, such as a PID, and a source identifier which is associated with each programming service. (col. 9, lines 35-39)

Again, the "source identifier" indicates the source of the underlying program material, not the service network transmitting second program guide information.

The Office Action next argues that the feature of merging the first program guide information and the second program guide information according to a comparison between the data and the receiver station value is disclosed as follows

Global-IPG data and the Local-IPG data is merged according to a comparison between the data and IRD 130 configuration value such as an address, identification number, geographical location, etc., associated with IRD 130.

and relying on the following portions of the Eyer reference:

Thus, the IPG data which is received by the microprocessor 170 provides scheduling information for the global programming services, and for region-specific programming services for the IPG region of the particular IRD. In accordance with the present invention, regional IPG data is multicast addressed to IRDs in different IPG regions to allow each IRD to recover only the IPG data for its region. This reduces the amount of IPG data that must be processed by microprocessor 170, thereby reducing memory and CPU requirements, while still providing the user with IPG information for all programming available to the user's IRD. (col. 8, lines 57-67)

FIG. 4 illustrates the transmission and reception of global and regional IPG data in accordance with the present invention. IPG data bundles which are broadcast, e.g., over a satellite network to a user's home, include global IPG data in a bundle 0, or B0 (400), described below in greater detail, as well as IPG data for a specific IPG region, e.g., region A, in an associated bundle 1 or B1 (405), IPG data for a region B in an associated bundle B1 (410), and IPG data for a region C in an associated bundle B1 (415). Regions A, B and C are different IPG regions which are served by a common satellite broadcast network.

Each IRD receives the same global and region-specific IPG data bundles. However, in accordance with the present invention, IRD data bundles are filtered out in hardware based on multicast addresses so a specific IRD only needs to store and process IPG data for its region, along with the global IPG data. For example, the received bundles after filtering for an IRD in region A include only B0 (400) and B1 (405), the received bundles after filtering for an IRD in region B include only B0 (400) and B1 (410), and the received bundles after filtering for an IRD in region C include only B0 (400) and B1 (415).

Bundles allow an IRD to distinguish between two different IPG data blocks that are the same type of data (titles/schedules, for example) for the same time slot. Without the bundle numbers, the IRD can not distinguish between two data blocks of the same type and time slot, and would want to discard one as a duplicate. (col. 10, lines 10-38)

It is important to note that the Office Action argues that the "source name" or "source identifier" described above was the "data identifying the service network transmitting the second program guide information." Assuming arguendo that this is true (and for the reasons described

above, it is not), that would require that first program guide information and second program guide information is merged according to a comparison between the "source name" or "source identifier" and a receiver configuration value. Plainly, this is not true. For example, the Eyer reference indicates that the "source name" would be, for example "ABC". It would make no sense whatsoever to merge a program guide from one source and another source according to "ABC". The reason for this nonsensical result is that the "source identifier" described in Eyer is not analogous to the "program guide information identifying the service network transmitting the second program guide information".

For all of the foregoing reasons, the Applicants respectfully traverse the rejection of claim 1.

Claims 9, 17, 25, 33, 41, and 49 recite features analogous to those of claim 1 and are patentable for the same reasons.

V. Dependent Claims

Dependent claims 2-7, 10-15, 18-23, 26-31, 34-39, and 42-47 incorporate the limitations of their related independent claims, and are therefore patentable on this basis. In addition, these claims recite novel elements even more remote from the cited references. Accordingly, the Applicants respectfully request that these claims be allowed as well.

VI. Conclusion

In view of the above, it is submitted that this application is now in good order for allowance and such allowance is respectfully solicited. Should the Examiner believe minor matters still remain that can be resolved in a telephone interview, the Examiner is urged to call Applicants' undersigned attorney.

Respectfully submitted,


Georgann S. Grunebach, Registration No. 33,179
Attorney for Applicants

Date: February 16, 2005

The DIRECTV Group, Inc.
RE / R11 / A109
P.O. Box 956
2250 E. Imperial Highway
El Segundo, CA 90245-0956

Phone: (310) 964-4615